

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claims 1, 8-10 and 13-16 have been amended to clarify that the cylindrical member has a cylinder axis parallel to the axis of the transverse cylindrical shutter hole which is substantially transverse to the powder passage. Basis for this is evident from the figures. Claim 12 has been amended to recite that the second part is “fitted,” and not simply fittable, in the first part.

New method Claims 21 and 22 are based on Claims 9 and 1, respectively, and recite steps of introducing toner or powder into the toner or powder storing body via the toner or powder passage of said base member. Basis for this is found at page 23, lines 5-19.

Claims 1, 3, 5 and 8-16 were again rejected under 35 U.S.C. § 102 as being anticipated by Welch et al. Applicants had explained in the last response that Claims 1, 3, 5, 8-11 and 13-16 define over Welch et al for a number of reasons including the fact that they recite that the shutter is a cylindrical member traversing the passage of the outlet member and removably fittable in a transverse cylindrical shutter hole of the outlet member. The cylindrical stub shafts shown in Fig. 5 of Welch et al and forming journals for the disks 76-78 do not traverse the passage of the outlet member and so cannot comprise the claimed cylindrical shutter.

In response, the outstanding Office Action took the position (p. 5) that the disks 76-78 are themselves a removable cylindrical member traversing the passage of an outlet member, and so disclose this limitation. However, Applicants respectfully submit that there is no evidence in Welch et al that the disks 76-78 are removable. Moreover the disks 76-78 are not fittable in a “transverse” cylindrical shutter hole, as was recited in the rejected claims, but simply close the powder passage itself. The holes for the stub shafts forming journals for the disks 76-78 are transverse to the powder passage, but the stub shafts do not traverse the

passage of the outlet member and do not teach the claimed feature. Accordingly, the rejected claims define over Welch et al.

In any case, these claims have been amended to clarify that the cylindrical member traversing the passage of the outlet member has a cylinder axis parallel to an axis of the transverse cylindrical shutter hole. The axes of the disks 76-78, for any orientation thereof, are perpendicular – and not parallel -- to the only “transverse” holes in Welch et al: the transverse holes for the stub shafts. For this reason as well, the amended claims define over Welch et al.

Claim 12 now recites that the outlet member comprises a first part selectively connectable to the base member and a second part “fitted to” the first part and including the shutter, e.g., as shown in Figures 12-14. This has the advantage that the shutter may be inserted into the inner part 45 prior to packing the container with toner (paragraph bridging pages 23-24).

Applicants had previously explained that the valve seat 62 of Welch et al is not fittable in the lower section 24. Instead it is simply secured in some fashion to the end of the wall 36. Thus the valve seat and shutter are simply secured to, and not inserted into, the lower section 24 prior to packing the container with toner. In reply the Office Action took the position (p. 5) that:

[t]he references need not show the device assembled such that the second part is fit inside the other. Instead, the second part must merely be capable of being fittable in the first part.

Claim 12 has now been amended to recite that the second part is *fitted* in the first part, and so the aforementioned interpretation is moot. Claim 12 therefore also defines over Welch et al.

Claims 4, 6 and 7 were rejected under 35 U.S.C. § 103 as being obvious over Welch et al in view of Terazawa et al. However Terazawa et al was simply cited to teach forming a

dispensing container from a flexible material, and so provides no teaching to overcome the aforementioned shortcoming of Welch et al with respect to Claim 1. The claims thus define over any combination of these references.

New Claims 21 and 22 recite steps of introducing toner or powder into a toner or powder storing body via the claimed toner or powder passage of the base member while the outlet member is separated from the base member, and connecting the base member and the outlet member after toner or powder has been introduced into the toner or powder storing body via the toner or powder passage of the base member while the outlet member is separated from the base member. The toner container 12 of Welch et al, on the other hand, is filled via the top opening 30 (col. 3, lines 36-38).

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

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